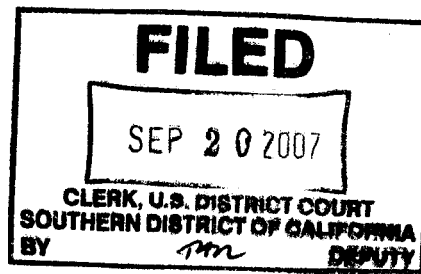


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JUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan HERNANDEZ-Rojas,

Defendant.

Magistrate Case No.:

'07 MJ 8801

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled
Substance (Felony)

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about September 19, 2007, within the Southern District of California, defendant Juan HERNANDEZ-Rojas, did knowingly and intentionally import approximately 4.94 kilograms (10.87 pounds) of methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

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COUNT TWO

That on or about September 19, 2007, within the Southern District of California defendant Juan HERNANDEZ-Rojas, did knowingly and intentionally import approximately 11.48 kilograms (25.26 pounds) of cocaine, a Schedule II Controlled Substance into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Vincent McDonald Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th
DAY OF SEPTEMBER 2007.



Pete C. Lewis
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **Juan HERNANDEZ-Rojas**

4 **STATEMENT OF FACTS**

5 This complaint is based on the reports, documents, and notes furnished to U. S.
6 Immigration and Customs Enforcement Special Agent (S/A) Vincent McDonald.

7 On September 19, 2007, at approximately 1922 hours, Juan HERNANDEZ-Rojas
8 entered the United States from the Republic of Mexico via the Calexico, CA West Port
9 of Entry. HERNANDEZ was the sole occupant and driver of a 2006 Toyota Corolla.

10 Customs & Border Protection Officer (CBPO) J.R. Bustamante in primary
11 inspection lane #4 began his inspection of HERNANDEZ by asking him to present a
12 valid entry document. As HERNANDEZ stopped the Toyota Corolla at the inspection
13 booth to comply, CBPO J.R. Bustamante witnessed CBPO J. Jones and his canine
14 conducting pre-primary inspections in the immediate area. CBPO J. Jones' informed
15 CBPO J.R. Bustamante that his canine alerted to the 2006 Toyota Corolla. CBPO J.R.
16 Bustamante instructed HERNANDEZ to turn off the vehicle and provide him the keys.
17 CBPO J.R. Bustamante obtained a negative Customs declaration from HERNANDEZ and
18 a valid legal permanent resident card. HERNANDEZ was escorted from the vehicle to
19 the vehicle secondary (VS) area.

20 In the VS area, CBPO J.M. Carp approached HERNANDEZ and asked him where
21 he was going and if he was the owner of the Toyota Corolla. HERNANDEZ stated that
22 he had owned the Toyota Corolla for approximately six months and he was going to his
23 friend's house in Calexico, California. CBPO J.M. Carp continued to inspect the Toyota
24 Corolla and discovered black spray paint on the bolts that connect the front seats.
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1 Further inspection by CBPO J.M. Carp revealed access panels on both rocker panels
2 of the vehicle. The passenger side access was opened and ten packages with a net
3 weight of 4.94 kilograms (10.87 pounds) wrapped in clear cellophane were extracted.
4 CBPO J.M. Carp selected a random package , it was probed and field-tested positive for
5 methamphetamine.
6

7 CBPO J.M. Carp continued his inspection of the Toyota Corolla and opened the
8 access panel on the driver's side of the vehicle. CBPO J.M. Carp stated the packages
9 on the opposite side of the vehicle were shaped differently. A total of ten packages with
10 a net weight of 11.48 kilograms (25.26 pounds) wrapped in clear cellophane and
11 powdered soap were extracted. CBPO J.M. Carp selected a random package from the
12 driver's side, it was probed and field-tested positive for cocaine.
13

14 HERNANDEZ was placed under arrest and advised of his rights per Miranda,
15 which he acknowledged and waived, agreeing to answer questions without the
16 presence of an attorney. HERNANDEZ stated he knew narcotics were in the vehicle
17 but he did not know what kind. HERNANDEZ added he was to be paid \$1,500.00 to
18 cross the vehicle into the U. S., at which time he would wait for a contact to call him
19 on a cellular telephone. HERNANDEZ continued in stating upon contact by phone he
20 was to drive the Toyota Corolla to "Nosotrous Park" and an unidentified person would
21 obtain the car to unload the narcotics.
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